

DETAILED ACTION

Status of the Application

Claims 17, 19, 21-24, 29-38 and 65-73 are pending in this action. Claims 33 and 34 have been amended via Examiner's Amendment. Claims 1-16, 18, 20, 25-28 and 39-64 were previously cancelled. Claims 17, 19, 21-24, 29-38 and 65-73 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Curtis B. Herbert, Ph.D. on 13 May 2010.

The application has been amended as follows:

In the claims:

The claim dependencies of claims **33 and 34** have been changed from "28" to "--17--".

Allowable Subject Matter

Claims 17, 19, 21-24, 29-38 and 65-73 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that Applicant has overcome the pending 112, first paragraph enablement rejections based on the submission of the Declaration of Dr. Sawnhey and

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the publication articles submitted on 08/18/08. Applicant has sufficiently demonstrated support for the use of the different filler materials of the claimed invention based on the Response, Declaration and publication articles submitted on 08/18/08, rendering the instant invention enabling and patentable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Mon-Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615

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May 17, 2010